IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CONTEMPT PETITION NO. 22 OF 2006.

Mukund K.Deshpande & ors. .. Petitioners.
V/s.
Bholaji B. Patil & ors. .. Respondents.

Shri Sachin Manale for S.S. Pakale for the petitioners.

Ms. A.R. Baxifor for respondent Nos. 1 to 4.
Ms. Mhaispurkar, AGP for respondent No.8.

CORAM : A.M. KHANWILKAR, J.

DATED : 3.8.2006.

P.C. :

. Heard Counsel for the parties.

Perused the pleadings on record.

2. The grievance made in this petition is about disobedience of the directions given by the Division Bench of this Court under order dated 24th September 2004 in Writ Petition No.440 of 2003. The relevant directions are contained in para 4 of the said order, which reads as under:

> . Be that as it may, as stated above, in our view, the proper course for the petitioners will be to raise an industrial dispute or file a complaint to agitate the prayers, which are made in the present petition. In the meanwhile, all that we can expect from the electricity board is to maintain a seniority register wherein the names of such persons engaged on contract basis will be entered and even if the work is on contract basis, persons concerned should be given that work depending of their position in the seniority list. Inasmuch as the petition was on behalf of the persons who are engaged as bill distributors, we

make it clear that this order is confined to the persons who were engaged as bill distributors. The respondents will maintain such seniority list Division-wise and must implement it forthwith and in any case from 1.10.2004. Though they will do this w.e.f. 1.10.2004, they will examine the seniority of such persons including that of the petitioners when it comes to give any such work on contract basis."

3. The first grievance of the petitioners is that although direction was given to maintain seniority list Division-wise, the respondents have prepared the seniority list Sub-Division wise. This submission is accepted by the respondent in the affidavit. It is however, pointed out that seniority list is of persons employed for the work of bill distribution. That seniority list therefore, will have to be maintained on sub-division basis. This is so, because these persons are employed at the sub-division level for bill distribution. There is separate administrative wing in the Division office for distribution of bills at the sub-division level. This submission will have to be accepted. Accordingly, seniority list on the basis of sub-division, as has been prepared by the respondents, cannot be said to be a case of disobedience of directions of the Court.

4. The next grievance of the petitioners is that their position in the seniority list is not as per their ranking in the register. That grievance cannot be addressed in contempt action. There is no

material to indicate that ranking position in respect of some of the petitioners has been noted with purpose, so as to hold against the respondents as a case of disobedience of the order of the Court. The respondents are open to consider the representations if made by the concerned petitioners, who are aggrieved by the ranking in the seniority list. Petitioners may take recourse to such representation, if so advised. If such representation is made by any of the petitioners, Counsel for the respondents assures that the same will be considered within 4 weeks from the date of representation. That assurance is accepted.

5. The last grievance of the petitioners is that inspite of directions contained in the order referred to above, the respondents have not provided work to petitioner Nos. 1,2 and 9 respectively. As against this, Counsel for the respondents submits that the said petitioners did not report for accepting work to the concerned officer. There is no reason to doubt the correctness of this stand taken by the respondents. If petitioners have not approached for accepting work to be offered in terms of the directions given by this Court, the respondents cannot be blamed for the inaction of the petitioner, nor is it a case of disobedience of the order of this Court. This is not a case for precipitating the matter. Respondents through their

Counsel assure that if petitioner Nos. 1,2 and 9 report for work they will be given work in terms of the directions contained in the order dated 24th September 2004.

6. Accordingly, this petition is disposed of on the basis of the above observations. Notice issued to the respondents is discharged.

(A.M. KHANWILKAR,J.)